

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Criminal Action No.
3:05-CR-270 (TJM)

DAVID J. FALSO,

Defendant.

APPEARANCES:

OF COUNSEL:

FOR THE GOVERNMENT:

HON. GLENN T. SUDDABY
United States Attorney
Northern District of New York
15 Henry Street
Binghamton, New York 13901

MIROSLAV LOVRIC, ESQ.
Assistant U.S. Attorney

FOR DEFENDANT:

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MARK D. SUBEN, ESQ.

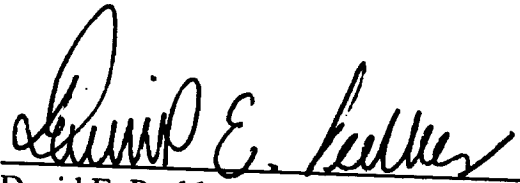
DAVID E. PEEBLES
U. S. MAGISTRATE JUDGE

ORDER

On September 9, 2005 the court conducted a hearing in connection with defendant's application to reopen a detention hearing previously conducted in this matter, and for reconsideration of the resulting detention order issued on June 16, 2005 (Dkt. No. 8). Prior to that hearing the court received several submissions from the defendant in support of his request for reconsideration including, *inter alia*, reports of Dr. Damian Vallellonga, dated August 8, 2005, and Dr. Norman Lesswing, dated August 12, 2005. In addition, the court heard further argument from the parties regarding the question of detention.

Based upon the foregoing, and upon due deliberation, it is hereby ORDERED that defendant's request for reconsideration of the court's prior detention order, dated June 16, 2005 (Dkt. No. 8), is hereby DENIED, the court finding, for the reasons stated in that decision, that if released, the defendant would constitute both a risk of flight and a danger to the community and that there is no condition or combination of conditions, short of confinement, which can adequately protect against those dangers; it is further

ORDERED, that the clerk promptly forward copies of this order to counsel for the parties via electronic means.

A handwritten signature in black ink, appearing to read "David E. Peebles", written over a horizontal line.

David E. Peebles
U.S. Magistrate Judge

Dated: September 20, 2005
Syracuse, NY

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